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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,760	12/13/2000	Kevin Carothers	CIT10204	8056
27510	7590	09/09/2004	EXAMINER	
KILPATRICK STOCKTON LLP 607 14TH STREET, N.W. WASHINGTON, DC 20005			FULTS, RICHARD C	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/736,760

Applicant(s)

CAROTHERS ET AL.

Examiner

Richard Fults

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

DETAILED ACTION

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinkle (WO 99/22329) in view of Jennings, SQL Server7: Ready for the Enterprise, Fall 1998, and Kroenke, Database Processing Fundamentals, Design, and Implementation, 1995.

Hinkle discloses (see at least pages 1-124, but in particular pages 1-32) all the steps, methods, and systems in claims 1-76, including capturing source transaction data written sequentially in predefined binary format from a database storing the data, parsing the source transaction data to a plain text file format, assigning a unique integer key value to each of a plurality of individual transaction records in each of a plurality of plain text output files, loading the output files to a relational database management system, reading at least one transaction journal log written in pre-defined binary format to isolate a transaction message in a message buffer, parsing the contents of the isolated transaction message, writing out the parsed contents into a flat-text file of Structured Query Language (SQL) records into an output file loadable into a database re-using at least one Visual Basic (VB) class used for creating the transaction journal log, storing the output file in the database, calling a method to find a next message in the transaction journal log files, finding an end of a transaction journal log file and isolating message contents of the file in a message buffer space, returning a status indicating the end of the file was reached, calling another property of the method to

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acquire an address of the message buffer space, providing the message buffer space address in the form of a VB Variant data type, parsing the contents of the message corresponding to the message buffer address into elementized message variables within at least one VB class, performing at least one of writing a structured query language record of the parsed message contents into an output file and examining VB date variables in a predetermined VB class to determine if the parsed message contents should be written to an elementized message format output file, and storing the output file in a relational database management system. The dependant claims are rejected for being dependent upon rejected independent claims. Hinkle does not discuss Visual Basic in conjunction with SQL, nor does he teach some of the fundamentals of common database applications.

Jennings teaches (see pages30-36) the old and well known relationship between Visual Basic and SQL.

Kroenke teaches (see pages13-16 and 26-32) the fundamentals of common database applications.

Because it would have been common sense and advantageous and would have provided a more comprehensive system of data management it would have been obvious to one skilled in the art at the time of the invention to add the teachings of Jennings and Kroenke to those of Hinkle, and to have added those of Hinkle to those of the others for the same reason.

2. Official Notice is taken the independent claims are describing very old and well known steps common to data management using SQL and Visual Basic. One simple example is the first portion of the first claim "capturing source transaction data written sequentially in a pre-defined binary format from a database storing the data". In plain English this says reading data in the common format for a computer (pre-defined binary format) from a common database in a sequential manner. There is nothing novel about

this step. All of the other steps claimed are just as common once translated into ordinary English, and are all anticipated by the three references given. Some of the dependent claims refer to ATMs and home banking, both of which are common and well known applications of databases for customer bank accounts. There is no new technology described by any of the claims, only the application of old and well known technology for old and well known uses.

3. Note is taken by the examiner that should the applicant find objectionable any statements made herein by the examiner regarding obviousness, or Official Notice, Applicant can make a proper challenge to those statements only by providing adequate information or argument so that on its face it creates a reasonable doubt regarding the circumstances justifying those statements: a simple response requesting a reference without doing so, or a response that fails to logically refute the basic assumptions underlying the justification, will result in an improper and failed challenge and those unchallenged statements will remain the record of the case. Applicants must seasonably challenge those statements in the first response following an Office Action. If an applicant fails to do so, his right to challenge them is waived.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Fults whose telephone number is 703-305-5416. The examiner can normally be reached on weekdays from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough, can be reached on (703)-305-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
RCF

  
9/2/2004

JEFFREY PWU  
PRIMARY EXAMINER